No. 03-251

(3)

Supreme Court, U.S.
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In The Supreme Court of the United States

CIGNA PROPERTY AND CASUALTY,
Petitioner,

v.

TERESA VILLAR RUIZ

and

ANTONIO RUIZ,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

REPLY BRIEF OF PETITIONER

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II.

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Statute:

33 U.S.C. § 916
Longshore and Harbor Workers'
Compensation Act § 16 1

III.

ARGUMENT

In her Brief in Opposition, the Respondent initially elaborates upon the collateral Interpleader action originally filed by the Petitioner in United States District Court, which is currently pending in the United States Court of Appeals for the Eleventh Circuit. The basis of the Interpleader action was to have the District Court determine which Judge's Order the Petitioner should follow: the earlier Administrative Law Judge Order directing the Petitioner to pay Longshore benefits to Antonio Ruiz, or the subsequent State Court Order directing the Petitioner to divert proceeds to his former wife, the Respondent herein. The Petitioner would urge that the District Court's ultimate decision dismissing the Interpleader action demonstrates additional confusion with respect to the application of Section 16 of the Longshore Act. Granting certiorari would dispel the imbroglio surrounding this issue, and would enable the nation to enjoy a uniform application of the anti-alienation provision of the Longshore Act.

The Respondent then argues that the anti-alienation provision does not apply to these facts because the Income Deduction Order is directed toward *future* child support obligations, rather than *past due* amounts. While clever, this argument falls on its face based on the all-encompassing language in the statute. Indeed, this Court has commented on the breadth and great amount of deference which should be given to anti-attachment provisions. *Ridgway v.*

Ridgway, 454 U.S. 46, 102 S. Ct. 49, 70 L. Ed. 2d 39 (1981). Therefore, it would be non-sensical to conceive that such a broad provision could be defeated by simply construing the garnished funds as a *future* obligation. Moreover, the facts do not even support that this is a *future* obligation. In fact, at the time the funds are withdrawn, the *future* obligation essentially becomes a *present* one, which is certainly within the purview of the comprehensive anti-alienation provision.

The Respondent's next argument relates to applying Florida law to the Longshore Act. To the extent that this argument violates the Preemption doctrine and was essentially rejected by this Court in *Ridgeway v. Ridgeway,* this contention should similarly be dismissed herein. *See Id.*

Finally, the Respondent's arguments regarding the amendments to the Social Security Act, which ostensibly allow for garnishment of workers' compensation benefits, simply do not apply to this claim. This is not, and never has been, an action where the United States was paying workers' compensation benefits. Therefore, neither the Social Security statute, nor its amendments, apply to the instant claim. Further, the equal protection claim raised by the Respondent as part and parcel of its argument under the Social Security Act is essentially a red herring. Congress certainly has the power to legislate with respect to individuals who receive funds from the United States Treasury, and people who do not receive funds from the United States Treasury are not a protected class of individuals.

IV.

CONCLUSION

This Court should grant Certiorari to review the decision of the lower court which decided an important question of federal law which has not been, and should be, settled by this Court. The court below also decided an important federal question in a way that conflicts with relevant decisions of this Court. Therefore, Certiorari should be granted.

Respectfully submitted,

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